

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CELIDE CADICHON
MARIE-ERLINE CADICHON,

Plaintiffs,

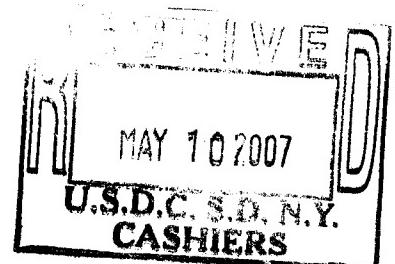
v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendants.

Civil Action no.
07 CV 3713

**Complaint in the Nature
of Mandamus**



Introduction

1. Marie-Erline Cadichon is from Haiti. In about 1992 her father, Celide Cadichon, petitioned for her to become a lawful permanent resident. At the time, he was a permanent resident, but in 1996 he became a U.S. Citizen. Celide Cadichon and his daughter Erline filled out all the necessary forms and did everything else required of them. Yet after waiting fifteen years, Ms. Cadichon's green card has not been issued. Therefore, her father and she have brought this action to compel United States Citizenship and Immigration Services to make Erline Cadichon a permanent resident.

Jurisdiction and Venue

2. The Court has federal-question jurisdiction over the Cadichons' claim under 28 U.S.C. § 1331.

3. Venue is proper in this judicial district according to 28 U.S.C. § 1391(e)(2), because this is an action against a United States agency, and a substantial part of the events or omissions giving rise to the claim occurred in New York City, which is in the Southern District of New York.

The Parties

4. Celide Cadichon is the father of Marie-Erline Cadichon and both of them reside at 3 Komonchak Circle, West Haverstraw, NY 10993 in Rockland County.

5. United States Citizenship and Immigration Services, which is part of the United States Department of Homeland Security, is the government agency responsible for processing immigration petitions. U.S. CIS has a district office located at the Jacob Javits Federal Building, 26 Federal Plaza, New York, NY 10278.

Claim in the nature of Mandamus

6. Mr. Cadichon is the father of Marie-Erline. He is a naturalized United States citizen (though he was a lawful permanent resident when he petitioned for his daughters to become permanent residents), and he was born in Haiti on 5 February 1940. He entered the U.S. on 8 February 1976. Marie-Erline was born in Haiti on 6 April 1972.

7. Under INA 201, 8 U.S.C. § 1151, as a lawful-permanent resident and now as a U.S. citizen, Mr. Cadichon had the right to petition for his daughter to become a lawful permanent resident.

8. Under the foregoing statutory provisions, U.S. Citizenship and Immigration Services has a legal duty to confer permanent-resident status on the daughter of a lawful permanent resident who is now a naturalized U.S. citizen, who was eligible to petition for his daughter to adjust status, and who did so correctly.

9. With a Form I-130 filed in about 1992, Mr. Cadichon petitioned for his daughter Erline to gain permanent-resident status. He also filed a Form I-485, and both Celide Cadichon and Erline Cadichon have filed Forms G-325A giving biographical data. Erline has been fingerprinted, and she has been interviewed numerous times by the INS and by U.S. CIS numerous times. At the interviews, she has supplied her father's Form I-864 (affidavit of support) and his tax returns.

10. At the time of her interviews, Erline had fulfilled all the requirements for adjusting status to become a lawful permanent resident.

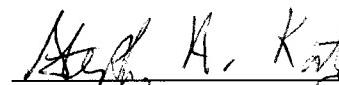
11. Nevertheless, the Immigration and Nationalization Service, which is now U.S. Citizenship and Immigration Services, has not issued Erline Cadichon a green card, though she has waited for it over ten years since her first interview.

Relief Sought

12. Accordingly, Celide and Erline Cadichon move that the Court issue an order in the nature of mandamus, under 28 U.S.C. § 1361, directing U.S. Citizenship and Immigration Services to grant Marie-Erline Cadichon lawful-permanent-resident status.

07 March 2007
New York, NY

Respectfully submitted,


Stephen A. Katz
Stephen A. Katz, attorney for Celide
Cadichon and Marie-Erline Cadichon
Stephen A. Katz, P.C.
111 John Street, Suite 800
New York, N.Y. 10038-3180
(212) 349-6400